IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Bail Appl..No. 1105 of 2007()

CRIME NO.41/07 OF AMBALATHARA POLICE STATION

: PETITIONER:

A. VISWAMBARAN @ VISHWAN,
AGED 28 YEARS, S/O.DAMODARAN, RESIDING AT KALLARAL
PADIMARUTH P.O., KASARGODE DISTRICT.

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE,
HOSDURG POLICE STATION, KASARGODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1105 OF 2007

Dated this the 6th day of March, 2007

O R D E R

Petitioner, who is the 4th accused in Crime No.41/2007 of Ambalathara Police Station for offences punishable under Sections 498A, 376(2)(g), 448, 506(ii) and 294(b) read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer and then to have his application for regular bail considered by the Magistrate concerned. Accordingly the petitioner is directed to surrender before the Investigating Officer on any day between 13.3.2007 and 15.3.2007 for the purpose of interrogation including potency test. He shall, thereafter, be produced on the same day before the Magistrate concerned, who shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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